

## SENATE BILL No. 442

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-24-6-2; IC 9-25-5-0.1; IC 9-28-2-6; IC 9-30-3.

**Synopsis:** Financial responsibility for motor vehicles. Requires the driver of a motor vehicle to furnish proof of financial responsibility to a police officer when cited for a moving traffic offense. Provides that the second and subsequent failure to provide proof of financial responsibility to a police officer when cited for a moving traffic offense is a Class D infraction. Requires the bureau of motor vehicles to adopt rules providing for the notification of a driver's employer of a driver's failure to furnish proof of financial responsibility upon request to a police officer. Makes conforming amendments.

**Effective:** January 1, 2002.

**Merritt**

January 18, 2001, read first time and referred to Committee on Insurance and Financial Institutions.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE BILL No. 442

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-24-6-2 IS AMENDED TO READ AS FOLLOWS
- 2 [EFFECTIVE JANUARY 1, 2002]: Sec. 2. (a) The bureau shall adopt
- 3 rules under IC 4-22-2 to regulate persons required to hold a
- 4 commercial driver's license.
- 5 (b) The rules must carry out 49 U.S.C. 521, 49 U.S.C. 2304, 49
- 6 U.S.C. 2701 through 2716, and 49 CFR 383.
- 7 (c) Rules adopted under this section must include the following:
- 8 (1) Establishment of classes and periods of validation of
- 9 commercial driver's licenses.
- 10 (2) Standards for commercial driver's licenses, including
- 11 suspension and revocation procedures.
- 12 (3) Development of written or oral tests, driving tests, and fitness
- 13 requirements.
- 14 (4) Defining the commercial driver's licenses by classification and
- 15 the information to be contained on the licenses, including the
- 16 Social Security number and a unique identifier of the holder.
- 17 (5) Establishing fees for the issuance of commercial driver's



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licenses, including fees for testing and examination.

(6) Procedures for the notification by the holder of a commercial driver's license to the bureau and the driver's employer of pointable traffic offense convictions.

(7) The conditions for reciprocity with other states.

**(8) Procedures for the notification to the driver's employer of the failure of the driver to furnish proof of financial responsibility upon request of a police officer as provided in IC 9-25-5-0.1.**

**(9) Other rules necessary to administer this chapter.**

(d) 49 CFR 383 is adopted as Indiana law.

SECTION 2. IC 9-25-5-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 0.1. (a) As used in this section, "moving traffic offense" means a violation of a statute relating to the operation or use of a motor vehicle while the motor vehicle is in motion.**

**(b) Upon request of a police officer issuing:**

**(1) an information and summons under IC 9-30-3-6(a); or**

**(2) a complaint and summons under IC 9-30-3-6(b);**

**for a moving traffic offense, the operator of the vehicle shall provide proof of financial responsibility in effect with respect to the vehicle as set forth in IC 9-25-4-7.**

**(c) The police officer shall note if the operator has provided proof of financial responsibility on the:**

**(1) information and summons as set forth in IC 9-30-3-6(a); or**

**(2) complaint and summons as set forth in IC 9-30-3-6(b).**

**(d) A person who:**

**(1) fails to furnish evidence of financial responsibility upon request of the police officer issuing an information and summons for a moving traffic offense; and**

**(2) according to the records of the bureau, has failed to furnish evidence of financial responsibility upon request of the police officer issuing an information and summons for a moving traffic offense on at least one (1) previous occasion;**

**commits a Class D infraction.**

**(e) The bureau may adopt and enforce rules under IC 4-22-2 that are necessary to carry out this section.**

SECTION 3. IC 9-28-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 6. As used in this chapter, "nonmoving violation" includes the following:**

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(1) Expiration of vehicle registration or vehicle inspection certificates.

(2) Parking meter violations or violation of parking limitation signs.

(3) Improper vehicle lighting.

(4) Other citations for minor equipment deficiencies.

**(5) Failure to show proof of financial responsibility when requested to do so by a police officer.**

SECTION 4. IC 9-30-3-6 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JANUARY 1, 2002]: Sec. 6. (a) In traffic cases, the information and summons shall be in substantially the following form:

In the \_\_\_\_\_ Court of \_\_\_\_\_ County

Cause No. \_\_\_\_\_ Docket No. \_\_\_\_\_

Page No. \_\_\_\_\_

State of Indiana

SS: \_\_\_\_\_ No. \_\_\_\_\_

County of \_\_\_\_\_

#### INFORMATION AND SUMMONS

The undersigned having probable cause to believe and being duly sworn upon his oath says that:

On the \_\_\_\_\_ Day of \_\_\_\_\_, **19 20** at \_\_\_\_\_ M

Name \_\_\_\_\_

Last First Middle

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Race \_\_\_\_\_ Sex \_\_\_\_\_ Age \_\_\_\_\_ D.O.B. \_\_\_\_\_ HT \_\_\_\_\_ WT \_\_\_\_\_

Oper. Lic. # \_\_\_\_\_ St. \_\_\_\_\_ Did Unlawfully

Operate Veh. Color \_\_\_\_\_ Veh. Yr. \_\_\_\_\_ Veh. Make \_\_\_\_\_

Veh. Lic. Yr. \_\_\_\_\_ Veh. Lic. St. \_\_\_\_\_ Veh. Lic. # \_\_\_\_\_

Upon, (Location) \_\_\_\_\_

A PUBLIC STREET OR HIGHWAY IN \_\_\_\_\_

COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

CONTRARY TO THE FORM OF THE ( ) STATE STATUTE  
( ) LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.

**If the individual named above violated a state statute, the individual named above ( ) DID ( ) DID NOT provide evidence of owner's or operator's security when requested by the undersigned officer to do so, as required by IC 9-25-5-0.1.**

OFFICER'S SIGNATURE \_\_\_\_\_



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1 I.D. No. \_\_\_\_\_ Div. Dist. \_\_\_\_\_  
 2 POLICE AGENCY \_\_\_\_\_  
 3 Subscribed And Sworn to Before Me  
 4 (Deputy Clerk) \_\_\_\_\_  
 5 This \_\_\_\_\_ Day of \_\_\_\_\_, ~~19~~ 20 \_\_\_\_  
 6 COURT APPEARANCE  
 7 I PROMISE TO APPEAR IN COURTROOM  
 8 \_\_\_\_\_  
 9 ADDRESS: \_\_\_\_\_  
 10 ON \_\_\_\_\_ THE \_\_\_\_\_ DAY OF \_\_\_\_\_, ~~19~~ 20 \_\_\_\_  
 11 AT \_\_\_\_ M. OR BE SUBJECT TO ARREST.  
 12 SIGNATURE \_\_\_\_\_  
 13 "YOUR SIGNATURE IS NOT AN ADMISSION OF GUILT"  
 14 The information and summons shall consist of four (4) parts:  
 15 (1) the original copy, printed on white paper, which shall be the  
 16 abstract of court record for the Indiana bureau of motor vehicles;  
 17 (2) the court copy, printed on white paper;  
 18 (3) the police record, which shall be a copy of the information,  
 19 printed on pink paper; and  
 20 (4) the summons copy, printed on white stock.  
 21 The reverse sides of the information and abstract of court record  
 22 shall be substantially as follows, with such additions or deletions as are  
 23 necessary to adapt the form to the court involved:  
 24 RECEIPT # \_\_\_\_\_  
 25 DATE \_\_\_\_\_  
 26 COURT ACTION AND OTHER ORDERS  
 27 BAIL \$ \_\_\_\_\_  
 28 REARREST BOND \$ \_\_\_\_\_ DATE \_\_\_\_\_  
 29 1. CONTINUANCE TO \_\_\_\_ 4. CONTINUANCE TO \_\_\_\_  
 30 2. CONTINUANCE TO \_\_\_\_ 5. CONTINUANCE TO \_\_\_\_  
 31 3. CONTINUANCE TO \_\_\_\_ 6. CONTINUANCE TO \_\_\_\_  
 32 Motions Date Ruling Date  
 33 1. \_\_\_\_ \_\_\_\_ \_\_\_\_ \_\_\_\_  
 34 2. \_\_\_\_ \_\_\_\_ \_\_\_\_ \_\_\_\_  
 35 3. \_\_\_\_ \_\_\_\_ \_\_\_\_ \_\_\_\_  
 36 4. \_\_\_\_ \_\_\_\_ \_\_\_\_ \_\_\_\_  
 37 PLEA ( ) GUILTY  
 38 ( ) NOT GUILTY  
 39 FINDING ( ) GUILTY  
 40 ( ) NOT GUILTY  
 41 THE COURT THEREFORE, ENTERS  
 42 THE FOLLOWING ORDER

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1 FINE \$ \_\_\_\_\_ AMOUNT SUSP. \$ \_\_\_\_\_  
 2 (STATE) \$ \_\_\_\_\_  
 3 COSTS  
 4 (CITY) \$ \_\_\_\_\_  
 5 \_\_\_\_\_ DAYS IN \_\_\_\_\_ DAYS SUSP.  
 6 \_\_\_\_\_

7 ( ) RECOMMENDED LICENSE SUSPENDED FOR \_\_\_\_\_  
 8 ( ) PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR  
 9 PROBATION

10 \_\_\_\_\_  
 11 \_\_\_\_\_  
 12 \_\_\_\_\_  
 13 \_\_\_\_\_  
 14 JUDGE: \_\_\_\_\_  
 15 DATE: \_\_\_\_\_  
 16 ATTORNEY FOR DEFENDANT \_\_\_\_\_  
 17 ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_  
 18 WITNESSES  
 19 \_\_\_\_\_  
 20 \_\_\_\_\_

21 The notice, the appearance, the plea of either guilty or not guilty,  
 22 and the waiver shall be printed on the summons. The trimmed size of  
 23 the paper and stock on which the form is printed shall be nominally  
 24 four and one quarter (4 1/4) inches by eight and one quarter (8 1/4)  
 25 inches.

26 (b) In civil traffic cases, the complaint and summons shall be in  
 27 substantially the following form:

28 In the \_\_\_\_\_ Court of \_\_\_\_\_ County  
 29 Cause No. \_\_\_\_\_ Docket No. \_\_\_\_\_  
 30 Page No. \_\_\_\_\_  
 31 State of Indiana

32 SS: No. \_\_\_\_\_  
 33 County of \_\_\_\_\_

#### 34 COMPLAINT AND SUMMONS

35 The undersigned having probable cause to believe and being duly  
 36 sworn upon his oath says that:

37 On the \_\_\_\_\_ Day of \_\_\_\_\_, ~~19~~ 20 \_\_\_\_ at \_\_\_\_ M

38 Name \_\_\_\_\_

39 Last First Middle

40 Street \_\_\_\_\_

41 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

42 Race \_\_\_\_ Sex \_\_\_\_ Age \_\_\_\_ D.O.B. \_\_\_\_\_ HT \_\_\_\_ WT \_\_\_\_



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Oper. Lic. # \_\_\_\_\_ St. \_\_\_\_\_ Did Unlawfully  
 Operate Veh. Color \_\_\_\_\_ Veh. Yr. \_\_\_\_ Veh. Make \_\_\_\_\_  
 Veh. Lic. Yr. \_\_\_\_ Veh. Lic. St. \_\_\_\_ Veh. Lic. # \_\_\_\_\_  
 Upon, (Location) \_\_\_\_\_

A PUBLIC STREET OR HIGHWAY IN \_\_\_\_\_  
 COUNTY, INDIANA, AND COMMIT, THE OFFENSE OF:

CONTRARY TO THE FORM OF THE ( ) STATE STATUTE  
 ( ) LOCAL ORDINANCE IN SUCH CASE MADE AND PROVIDED.  
**If the individual named above violated a state statute, the  
 individual named above ( ) DID ( ) DID NOT provide evidence of  
 owner's or operator's security when requested by the undersigned  
 officer to do so, as required by IC 9-25-5-0.1.**

OFFICER'S SIGNATURE \_\_\_\_\_  
 I.D. No. \_\_\_\_\_ Div. Dist. \_\_\_\_\_  
 POLICE AGENCY \_\_\_\_\_  
 Subscribed And Sworn to Before Me  
 (Deputy Clerk) \_\_\_\_\_

This \_\_\_\_\_ Day of \_\_\_\_\_, ~~19~~ 20 \_\_\_\_  
 COURT APPEARANCE

I PROMISE TO APPEAR IN \_\_\_\_\_  
 COURTROOM \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 ON \_\_\_\_\_ THE \_\_\_\_\_ DAY OF \_\_\_\_\_, ~~19~~ 20 \_\_\_\_  
 AT \_\_\_\_ M. OR BE SUBJECT TO ARREST.

SIGNATURE \_\_\_\_\_  
 "YOUR SIGNATURE IS NOT AN ADMISSION OF A VIOLATION"

The complaint and summons shall consist of four (4) parts:

- (1) the original copy, printed on white paper, which shall be the abstract of court record for the Indiana bureau of motor vehicles;
- (2) the court copy, printed on white paper;
- (3) the police record, which shall be a copy of the complaint, printed on pink paper; and
- (4) the summons copy, printed on white stock.

The reverse sides of the complaint and abstract of court record shall be substantially as follows, with such additions or deletions as are necessary to adapt the form to the court involved:

RECEIPT # \_\_\_\_\_

DATE \_\_\_\_\_



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## COURT ACTION AND OTHER ORDERS

BAIL \$ \_\_\_\_\_

REARREST BOND \$ \_\_\_\_\_ DATE \_\_\_\_\_

1. CONTINUANCE TO \_\_\_\_\_ 4. CONTINUANCE TO \_\_\_\_\_

2. CONTINUANCE TO \_\_\_\_\_ 5. CONTINUANCE TO \_\_\_\_\_

3. CONTINUANCE TO \_\_\_\_\_ 6. CONTINUANCE TO \_\_\_\_\_

	Motions	Date	Ruling	Date
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____

PLEA ☐ ADMIT☐ DENY☐ NOLO CONTENDEREFINDING ☐ JUDGMENT FOR PLAINTIFF☐ JUDGMENT FOR DEFENDANT

THE COURT THEREFORE, ENTERS

THE FOLLOWING ORDER

FINE \$ \_\_\_\_\_ AMOUNT SUSP. \$ \_\_\_\_\_

(STATE) \$ \_\_\_\_\_

COSTS

(CITY) \$ \_\_\_\_\_

☐ RECOMMENDED LICENSE SUSPENDED FOR \_\_\_\_\_☐ PROBATIONARY LICENSE AUTHORIZED FOR ONE YEAR

PROBATION

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

JUDGE: \_\_\_\_\_

DATE: \_\_\_\_\_

ATTORNEY FOR DEFENDANT \_\_\_\_\_

ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_

WITNESSES

\_\_\_\_\_

\_\_\_\_\_

The notice, appearance, plea of either admission, denial, or nolo contendere shall be printed on the summons. The trimmed size of the paper and stock on which the form is printed shall be nominally four and one-quarter (4 1/4) inches by eight and one-quarter (8 1/4) inches.

(c) The complaint form shall be used in traffic cases, whether the

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charge is made by a law enforcement officer or by any other person.

(d) Each judicial officer or police authority issuing traffic complaints and summons:

(1) is responsible for the disposition of all the traffic complaints and summons issued under the ~~officer's or authority's~~; **authority of the officer or authority**; and

(2) shall prepare and submit the records and reports relating to the traffic complaints in the manner and at the time prescribed by both the state examiner of the state board of accounts and the bureau.

SECTION 5. IC 9-30-3-12, AS AMENDED BY P.L.225-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 12. (a) If during any twelve (12) month period a person has committed moving traffic violations for which the person has:

(1) been convicted of at least two (2) traffic misdemeanors;

(2) had at least two (2) traffic judgments entered against the person; or

(3) been convicted of at least one (1) traffic misdemeanor and has had at least one (1) traffic judgment entered against the person;

the bureau may require the person to attend and satisfactorily complete a defensive driving school program. The person shall pay all applicable fees required by the bureau.

(b) This subsection applies to an individual who holds a probationary license under IC 9-24-11-3 or is less than eighteen (18) years of age. An individual is required to attend and satisfactorily complete a defensive driving school program if either of the following occurs at least twice or if both of the following have occurred:

(1) The individual has been convicted of a moving traffic offense (as defined in section 14(a) of this chapter), other than an offense that:

**(A) solely involves motor vehicle equipment; or**

**(B) solely involves the failure to provide proof of financial responsibility as required by IC 9-25-5-0.1.**

(2) The individual has been the operator of a motor vehicle involved in an accident for which a report is required to be filed under IC 9-26-2.

The individual shall pay all applicable fees required by the bureau.

(c) The bureau may suspend the driving license of any person who:

(1) fails to attend a defensive driving school program; or

(2) fails to satisfactorily complete a defensive driving school program;

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1 as required by this section.

2 (d) Notwithstanding IC 33-19-5-2, any court may suspend one-half  
3 (1/2) of each applicable court cost for which a person is liable due to  
4 a traffic violation if the person enrolls in and completes a defensive  
5 driving school or a similar school conducted by an agency of the state  
6 or local government.

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